

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 70 VEGETATION ARTICLE II TREES, DIVISION 5 – MAINTENANCE INGLESIDE CODE OF ORDINANCES, TO AMEND SEC 70-86 OBSTRUCTION; TREES PRUNED, IN AN ATTEMPT TO GIVE CLARITY OF REQUIREMENTS AND SPECIFIC HEIGHT REQUIREMENT OF TREES ABOVE STREETS, RIGHT-OF-WAYS, AND SIDEWALKS FOR CITIZENS AND PROVIDING FOR EFFECTIVE DATE, READING, SEVERANCE, AND PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE, COUNTY OF SAN PATRICIO, STATE OF TEXAS:

Section 1. Amendment. CHAPTER 70 VEGETATION ARTICLE II. TREES, DIVISION 5 – MAINTENANCE, SEC 70-86 OBSTRUCTION; TREES PRUNED is hereby amended to read as follows, new matter being indicated by underscoring and deleted matter by interlineations:

Sec. 70-86. Obstruction; trees pruned.

~~It shall be the duty of any person owning real property bordering on any street or public way upon which property there are trees, to prune and maintain such trees in such manner that they will not obstruct or shade the streetlights, obstruct the passage of pedestrians or vehicles on sidewalks or street, obstruct vision of traffic signs, obstruct the view of any street or alley intersection or constitute a danger to the safety of property or persons.~~

(A) It shall be the duty of any person owning land bordering or abutting on any public street, road, alley or other public way (hereinafter "street") to maintain, in accordance with this section:

- (1) all trees located upon said land, and
- (2) all trees located within the area between the paved or otherwise improved travel area of the abutting street and owners land.

(B) The owner is obligated to prune and maintain such trees:

- (1) as to any overhanging tree (i.e. a tree which overhangs a public street or sidewalk), in such manner so as to ensure a clear space of no less than 13 feet above the street and sidewalk surfaces such that no portion of any tree is located within said 13 foot clear space area; and
- (2) as to all trees, in such manner so as to ensure that said trees will not obstruct or shade streetlights, will not obstruct or interfere with the passage of pedestrians or vehicles on the sidewalk or street, the visibility of traffic signs or lights, or the view of any street or alley intersection, and will not constitute a danger to the safety of property or persons.

Section 2. Effective Date. As provided by Article III, Section 3.11C of the Charter of the City of Ingleside, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the City of Ingleside.

Section 3. Reading. As provided by Article III, Section 3.11.B of the Charter of the City of Ingleside, this ordinance or the caption of it shall be read at two City Council meetings with at least two weeks elapsing between each reading.

Section 4. Severance. If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

Section 5. Publication. As provided by Article III, Section 3.11C, this ordinance shall be published one time in the official newspaper of the City of Ingleside, San Patricio County, Texas, which publication shall contain the caption of this ordinance stating in substance the purposes of same.

PASSED, ORDAINED, APPROVED AND ADOPTED this _____ day of _____, 2014.

CITY OF INGLESIDE, TEXAS

By: _____
Pete Perkins, Mayor

ATTEST:

Kimberly Drysdale
City Secretary

First Reading: _____

Second Reading: _____